

Article - Health - General

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§7-1003.

(a) To carry out the policy stated in § 7-1002 of this subtitle, the following procedures are required for all services covered under this title.

(b) Each licensee shall:

(1) On or before acceptance of an individual for services, give the individual a written statement of:

(i) The services provided by the licensee, including each service that is required to be offered on an as-needed basis; and

(ii) All charges, including any charges for services that are not covered by Medicare, Medicaid, or reimbursement by a State or local public agency; and

(2) Keep a written receipt for the statement that is signed by the individual or, if the individual is a minor, the parent or guardian of the person.

(c) If a licensee provides an individual with a service, the licensee shall give the individual or the guardian of the person information about the diagnosis, treatment, and prognosis of the individual.

(d) (1) Unless it is medically inadvisable, an individual, or the guardian of the person:

(i) Shall participate in the planning of the medical treatment;

(ii) May refuse medication or treatment; and

(iii) Shall be informed of the medical consequences of these actions.

(2) The licensee shall keep a written acknowledgment of the individual or guardian that the medical consequences are known.

(e) (1) Any case discussion, consultation, examination, or medical treatment of an individual who receives services under this title:

(i) Is confidential; and

(ii) Is not open to a person who is not involved directly in the treatment of the individual who receives services under this title unless the individual or the guardian of the person permits the individual to be present.

(2) Except as necessary for the transfer of an individual from one health care institution to another or as required by law or a 3rd party payment contract, the personal, medical, psychological, and individual treatment and developmental information about an individual is confidential and may not be released without the consent of the individual or the guardian of the person to any individual who:

(i) Is not associated with a licensee; or

(ii) Is associated with a licensee, but does not have a demonstrated need for the information.

(f) If it is feasible to do so and not medically contraindicated, spouses who are both residents of a licensed residential facility shall be given the opportunity to share a room.

(g) An individual who receives services under this title from a licensee alone or with other individuals is entitled to present any grievance or recommend a change in a policy or service to the licensee, the Administration, or any other person, without fear of reprisal, restraint, interference, coercion, or discrimination.

(h) (1) An individual shall have reasonable access to a telephone.

(2) An individual shall have reasonable access to writing instruments, stationery, and postage and may use them to write to anyone.

(3) The correspondence of an individual shall be sent to the addressee without delay and, except under the direction of the addressee, without being opened.

(i) (1) An individual shall be entitled to receive visits:

(i) From a lawyer that the individual chooses;

(ii) From a clergyman that the individual chooses; and

(iii) During reasonable visiting hours that the licensee sets, from any other visitor.

(2) Each married individual in a licensed residential facility shall have privacy during a visit by the spouse.

(3) If, for the welfare of the individual, visits are restricted, the restriction shall be:

(i) Signed by the executive officer or administrative head of the licensee; and

(ii) Made a permanent part of the individual's record.

(4) Visits of an individual's lawyer or clergyman may not be restricted.

(j) (1) An individual shall have the right to possess and use clothing and other personal effects.

(2) For essential medical and safety reasons, the executive officer or administrative head of a licensee may take temporary custody of the personal effects and promptly shall make the action a part of the individual's record.

(k) (1) An individual with developmental disability may not be assigned to do any work for a licensee without personal consent and without written approval of the attending physician or the executive officer or administrative head of the licensee.

(2) This subsection does not apply to the performance of an individual's share of household duties or other tasks ancillary to the individual's habilitation program.

(l) The executive officer or administrative head of a licensee is responsible for carrying out this section.

(m) (1) A person who believes that the rights of an individual with developmental disability have been violated shall report the alleged violation to the executive director or administrative head of a licensee.

(2) The executive officer or administrative head of the licensee shall:

(i) Promptly send the report:

1. To the Deputy Secretary; and

agency; 2. To the State–designated protection and advocacy

(ii) Investigate the report; and

(iii) After the investigation, report the findings:

1. To the complainant;

2. To the State–designated protection and advocacy agency; and

3. To the Deputy Secretary.

(3) The State–designated protection and advocacy agency shall seek redress of a violation of the rights stated in this section.

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